

**BOA GENERAL REVIEW COVERSHEET****CASE:** C15-2020-0042**BOA DATE:** September 14<sup>th</sup>, 2020**ADDRESS:** 2202 W. 49<sup>th</sup> St**COUNCIL DISTRICT:** 7**OWNER:** Jessie Patton-Levine**AGENT:** Harmony Grogan**ZONING:** SF-3**LEGAL DESCRIPTION:** LOT 1 MEIER ILENE SUBD**VARIANCE REQUEST:** exceed the 20% value of structure before improvements for a Nonconforming use**SUMMARY:** remodel and addition to existing residence**ISSUES:** small lot size

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3	Single-Family
<i>North</i>	SF-3	Single-Family
<i>South</i>	SF-3	Single-Family
<i>East</i>	SF-3	Single-Family
<i>West</i>	SF-3	Single-Family

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District  
 Austin Lost and Found Pets  
 Austin Neighborhoods Council  
 Bike Austin  
 Bull Creek Road Coalition  
 Central Austin Community Development Corporation  
 Central Austin Urbanists  
 Friends of Austin Neighborhoods  
 Homeless Neighborhood Association  
 Lower District 7 Green  
 Neighborhood Empowerment Foundation  
 North Austin Neighborhood Alliance  
 Preservation Austin  
 Rosedale Neighborhood Assn.  
 SELTexas  
 Shoal Creek Conservancy  
 Sierra Club, Austin Regional Group



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

## NOTIFICATIONS

CASE#: C15-2020-0042

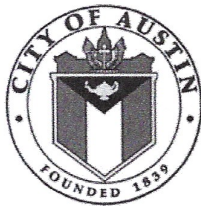
LOCATION: 2202 W 49th St

1" = 333'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





## CITY OF AUSTIN

### Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

C-2/3

## Board of Adjustment General/Parking Variance Application

**WARNING: Filing of this appeal stops all affected construction activity.**

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. ***If more space is required, please complete Section 6 as needed.*** All information is required (if applicable).

### For Office Use Only

Case # \_\_\_\_\_ ROW # \_\_\_\_\_ Tax # \_\_\_\_\_

### Section 1: Applicant Statement

Street Address: 2202 W 49th Street, Austin, TX 78756

Subdivision Legal Description:

LOT 1, ILENE MEIER SUBDIVISION

Lot(s): \_\_\_\_\_ Block(s): \_\_\_\_\_

Outlot: \_\_\_\_\_ Division: \_\_\_\_\_

Zoning District: SF-3

I/We Harmony Grogan, AIA on behalf of myself/ourselves as  
authorized agent for Jessie Patton-Levine affirm that on  
Month August, Day 6, Year 2020, hereby apply for a hearing before the  
Board of Adjustment for consideration to (select appropriate option below):

☐ Erect ☐ Attach ☐ Complete ☒ Remodel ☐ Maintain ☐ Other: Addition

Type of Structure: Single story residence



Portion of the City of Austin Land Development Code applicant is seeking a variance from:

I am requesting a variance from the LDC 25-2-947(B)(2) Nonconforming Use for SF-3 residential property "a person may improve a structure if costs do not exceed 20% of the value of the structure before improvements" (per TCAD \$13,996) to \$150,000 to allow for an interior remodel and addition of 270 SF.

## Section 2: Variance Findings

The Board must determine the existence of, sufficiency of, and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional supporting documents.

**NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.**

I contend that my entitlement to the requested variance is based on the following findings:

### Reasonable Use

The zoning regulations applicable to the property do not allow for a reasonable use because:

The 5,025 SF lot was subdivided in 1960 and is therefore a nonconforming use. Per LDC 25-2-947(B)(2), the existing 942 SF residence can only make improvements with costs capped at 20% of the value of the structure. TCAD lists the value as \$69,983, limiting any improvement costs beyond minimum health and safety measures to \$13,996. This limitation makes all but the smallest renovations or improvements impossible.

### Hardship

a) The hardship for which the variance is requested is unique to the property in that:

The property is only 5,025 SF and therefore no improvements beyond minimum health and safety measures are allowed.

b) The hardship is not general to the area in which the property is located because:

The property's small size is unique as surrounding SF-3 lots are larger and above the minimum lot size of 5,750 SF. The existing residence is in need of renovation and is only 942 SF, which is far less than the allowable square footage on neighboring lots.



## Area Character

The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

Any improvements will be within setbacks and will additionally conform to all impervious coverage and FAR limitations. The proposed remodel and 270 SF one story addition will match the existing character of the home and neighborhood in size and proportion. The structure will remain a single family residence.

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## Parking (additional criteria for parking variances only)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6, Appendix A with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specific regulation because:

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2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

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3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

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4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

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